

REMARKS

Claims 1-17 and 27-37 are pending in the application with claims 30-37 added herein.

Applicant takes strong exception to certain of the Office's statements of reasons for allowance. The Office is reminded that the patent statutes require claims to be presented and interpreted in accordance with what the Applicant regards as its invention, not as to what the Office regards as the invention. Accordingly, the Office must read the claims as Applicant regards them (as they are worded), not as the Office might regard them.

Certain of the Office's statements refer to language that is not in the claims to which the statements apply and, accordingly, do not follow from allowability of claims that do not literally include such language. Certain of the Office's statements might be interpreted later as reading limitations into Applicant's claims that simply are not there, or otherwise indicate that Applicant must regard its invention as that to which the Office has interpreted outside the literal claim language.

For example, the Office asserts that claims 10-15, 28, and 29 are allowed because the art does not disclose the first capacitor electrode comprising TiN and having an innermost surface area per unit area greater than an outer surface area per unit area of the substrate. This might be interpreted to conclude that the Office reads Applicant's claims to include these limitations, and that therefore claims 10-15, 28, and 29 are so limited. Yet, Applicant did not include such limitations in those claims as filed, and

had no intention that those claims as filed and examined would be so limited.


The Office must interpret the claims in accordance with their literal wording and, to the extent the Office has not already done so, such is mandated now. If the Office relies on allowance based upon language not appearing in the claims, then the Office must reject the claims and suggest insertion of such language. Then, Applicant can respond as it deems appropriate.

Allowance of the claims as literally worded is urged. Entry of new claims 30-37 essentially precludes claims 10-15, 28, and 29 from in any way being interpreted to require the limitations set forth herein as not literally within such claims. If the Office enters this amendment, then this file history is to be interpreted as if the Office's statements of reasons for allowance in the Notice of Allowance never existed or were withdrawn. If the Office disagrees with this just stated position, claim rejections are mandated or modification of the statements of reasons for allowance is warranted.

A telephonic interview is requested in the event that the next office action is one other than a Notice of Allowance. The undersigned is available during normal business hours (Pacific Time Zone).

Respectfully submitted,

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